

A bill to establish the terms of the Supreme Court, and

A bill for the relief of John Powers.

The report of the committee on the Judiciary, on a bill regulating divisional fences, offering a substitute therefor, was read and adopted, and, on motion of Mr. Dancy, the bill was referred to the committee on Internal Improvements.

The resolution of the Senate, inviting Dr. James B. Miller to a seat within the bar of the Senate during the present session, &c: read.

Mr. Dancy offered the following amendment: add, "and also all those who fought in the battle of San Jacinto, at the storming of San Antonio, at Concepcion, at the Grass fight, and the heirs of those who were massacred on the plains of Goliad, also all rangers who have served in the Texas army for six months."

On motion of Mr. Hill, the Senate adjourned until 10 o'clock to-morrow morning.

TUESDAY, November 18, 1851.

The Senate was called to order by the President pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

Absent, Messrs. Armstrong, Dancy, Day and Merriman.

The journal of yesterday was read and adopted.

Mr. Bogart presented the petition of Oliver Hedgcoxe; referred to the committee on Private Land Claims.

Mr. Davis, chairman of the committee on State Affairs, to whom was referred a bill to require the return of field-notes in certain cases, reported the following amendments thereto:

Amend by inserting after "1851," in the fourth line, "and since the 1st day of January, 1838." Amend the fourth section by inserting after the word "map," in the ninth line, "provided, that nothing in this act shall prevent the owners of surveys in Fisher and Miller's colony, or Castro's colony, from returning their field notes at any time before the first day of January, 1854.

Mr. Davis, from the same committee, reported back to the Senate a bill to repeal an act authorizing and requiring the county courts to issue unconditional certificates in certain cases, and recommended its rejection.

Mr. Davis, from the same committee, to which was referred

the petition of Paul G. Swift, asking the privilege of working mines in Eastern Texas, reported it inexpedient to legislate upon the subject at this time.

Mr. Wilson, from the committee on State Affairs, made the following report:

The committee on State Affairs have considered the petition of Wm. Grinder, praying payment of the value of a negro slave hitherto executed under sentence of law; and because the committee do not deem it expedient to legislate back, though they think some law of a kindred character necessary for the future, they have instructed me to report adversely to the claim. But inasmuch as it is made apparent to the committee that the petitioner incurred much expense, and was subjected to much trouble in defending himself against an illegal execution for the costs of the trial and execution of his said slave, they have instructed me to report the accompanying bill to indemnify him for the same, and respectfully recommend its passage.

A bill for the relief of William Grinder; read first time.

Mr. Wilson, from the same committee, to which was referred a resolution requesting them to enquire into the expediency of passing a law, giving to the owners of slaves which may hereafter be executed, one half of the value of such slaves, reported,

A bill granting to the owners of slaves which may be executed, one half the value of such slaves; read first time.

Mr. Taylor, chairman of the committee on Private Land Claims, to whom was referred a bill for the relief of Ambrose Hillburn, reported the same back and recommended its passage.

Mr. Taylor, from the same committee, to whom was referred the petitions of William Grooms and Thomas N. Little, reported a bill for their relief, which was read first time.

Mr. Gray, chairman of the committee on the Judiciary, to whom was referred a bill to legalize certain records of the county court of Lamar county, reported the following amendments:

In the title before the word "records," insert "acts and;" and before county, insert "clerk of the." In first section second line, after the word "acts," insert "and records;" and recommended their adoption and the passage of the bill.

Mr. Gray made the following report:

The committee on the Judiciary have considered a bill to be entitled an act to abolish implied or secret liens on real estate, and report that they approve the object of the bill. There is a

species of incumbrances on real estate recognized by law, and generally known as the vendor's lien, for unpaid purchase money, which generally rests on no safer basis than the verbal testimony and uncertain memory of witnesses. This class of cases is an exception to, and manifest departure from the general policy of the laws relative to titles and incumbrances on real estate, and has doubtless been productive of much litigation, and not unfrequently of fraud and perjury. There can be no good reason why such liens should not be established by written evidence, which may be recorded, and thus brought to the knowledge of all interested, as is required for other liens or incumbrances. The effect of the law proposed will in a great measure obviate the evils referred to, by requiring such liens to be in writing, and the committee recommend the passage of the bill.

Mr. Reaves, chairman of the committee on Engrossed Bills, reported as correctly engrossed the following bills, to wit:

A bill for the relief of Wesley W. Hanks; a bill concerning writs of certiorari from Justices courts; a bill for the relief of the estate of Jabez Fitzgerald, dec'd; a bill for the relief of the heirs of George Hamilton, dec'd; and a joint resolution for the relief of William M. Cristy.

Mr. Eddy introduced a bill to regulate the sales of Sheriffs and other officers, &c.; and a bill regulating sales by administrators and executors, &c., which were read first time.

Mr. Gray introduced a bill to amend the 17th section of the act to incorporate the Buffalo Bayou, Brazos and Colorado railroad company; read first time.

Mr. Reaves introduced a bill to authorize David Hill to construct a bridge across the Sabine river; read first time.

Mr. Davis introduced a bill to authorize the Commissioner of the General Land Office to issue patents in certain cases; read first time.

Mr. Sterne introduced a bill for the relief of Charles Chevallier, assignee of Napoleon Devaltz; read first time.

Mr. Scott offered the following resolution:

Resolved, That the committee on State Affairs, be requested to take into consideration the importance of providing some mode by which slaves who have, or may hereafter runaway from an owner in this State and secrete themselves in Mexico, may be recovered; and report by bill or otherwise.

Mr. Hill introduced the following resolution:

Resolved, That the committee on Indian Affairs, be instructed to inquire into the expediency of making provision for the

temporary settlement of some of the weaker and more defenceless tribes or bands of Indians, long resident upon the soil of Texas, until permanent action shall be had on the part of the government of the United States for the amelioration of the condition of such Indian tribes, and report by bill or otherwise.

Mr. Williams offered the following resolution:

Resolved, That the committee on Printing and Contingent Expenses, be requested to ascertain whether the papers and other public documents, subscribed for, and printed by order of the Senate, are regularly mailed, and whether the mail facilities are such as will ensure the arrival of the same at their respective destinations.

On motion of Mr. Davis, the petition of W. B. Williamson, William Maxey and John D. Turner, was taken from the table and referred to the committee on State Affairs.

Mr. Eddy moved that the Secretary of the Senate be authorized to procure a clock for the Senate chamber, not to exceed in cost twenty dollars; lost.

A message was received from the House, informing the Senate that the House had passed the following bills, to wit; a bill to locate permanently the county seat of Lavaca county; a bill for the relief of Philip Evans; a bill giving two weeks session to the district court of Montgomery county; a bill appropriating five thousand dollars to pay the contingent expenses of both Houses of the Legislature; and a joint resolution to remove law books in the office of the Secretary of State, to the supreme court room, for the use of the Judges of said court, &c; also, that the House had passed a bill to change the name of Mary Angeline Middleton to that of Mary Angeline Gill, which originated in the Senate; also, that they had passed a substitute for the Senate's bill to regulate the public printing; also that the House had passed the following resolution:

Resolved, That one member from each judicial district, not now represented in said committee, be placed upon the Apportionment committee, and that said committee be instructed to act jointly with a like committee on the part of the Senate, and report a bill apportioning representation, at as early a day as practicable.

ORDERS OF THE DAY.

The Resolution of the Senate, giving to Dr. James B. Miller the privilege of a seat within the bar of the Senate during the present session, being under consideration when the Senate adjourned, was taken up, and the amendment offered by Mr. Dancy rejected.

Mr. Dancy moved to refer the resolution to the committee on Privileges and Elections.

Mr. Scott moved to lay it on the table, upon which the yeas and nays were as follows :

YEAS—Messrs. Bogart, Burks, Burleson, Dancy, Eddy, Grimes, Hart, Parker, Scott, Williams and Wilson—11.

NAYS—Messrs. Armstrong, Davis, Doane, Duggan, Gray, Hill, Kinney, Meusebach, Reaves, Sterne, Taylor and Truit—12.

Mr. Wilson moved the previous question ; carried.

The resolution was then adopted by the following vote.

YEAS—Messrs. Armstrong, Bigelow, Burleson, Davis, Doane, Duggan, Gray, Grimes, Hart, Hill, Kinney, Meusebach, Parker, Reaves, Sterne, Taylor, Truit, Williams and Wilson—19.

NAYS—Messrs. Bogart, Burks, Dancy, Eddy and Scott—5.

Mr. Dancy gave notice that he would enter his protest against the adoption of the resolution.

A bill supplementary to an act regulating fees of office ; read.

Mr. Wilson offered the following amendment :

Amend by inserting at the close of section three, as follows :

“Section 4. That in all criminal prosecutions below the degree of felony, the name of the prosecutor shall be marked upon the back of the indictment, by the foreman of the grand jury finding the same, and whenever, in the opinion of the court, the charge shall appear to be of a frivolous character, or to have been maliciously preferred, it shall be competent for the court to render a judgment for all the costs against the prosecutor ;” adopted.

Mr. Dancy offered the following resolution :

Resolved, That the survivors of those who were massacred at Goliad in 1836, be invited to seats within the bar of the Senate on account of their sufferings in the cause of Texas, and their services in our revolutionary struggle ;” rejected by the following vote :

YEAS—Messrs. Bigelow, Burks, Dancy, Davis, Duggan, Eddy, Grimes, Hart, Hill, Meusebach, Parker, Reaves, Sterne, Truit, Williams and Wilson—16.

NAYS—Messrs. Bogart, Burleson, Doane, Scott and Taylor—5.

A bill to provide for the apportionment of the old debt of Harrison county, among the counties of Harrison, Upshur and Panola, ; read and ordered to engrossed.

The resolution of the Senate instructing the committee on the Public Debt to inquire into the justice and propriety of making some general provision for the auditing of the claims against

the government for property taken or destroyed by the armies of Texas, &c.; read, and, on motion of Mr. Wilson, laid on the table.

The report of the committee on Finance, on a bill for the relief of Barnwell D. Basford, recommending that no further action be had thereon, was read and adopted.

The report of the committee on Finance, on a bill authorizing juror's tickets to be paid out of the State tax, recommending that no further action be taken thereon, was read and adopted.

The report of the committee on Finance, recommending the petition of Sam'l G. Wills be referred to the committee on Claims and Accounts; read and adopted.

A bill to incorporate Battle Creek Academy, in the county of Navarro; read second time, and, on motion of Mr. Dancy, referred to the committee on the Judiciary.

A bill to amend an act to incorporate the Austin College; read second time, and, on motion of Mr. Grimes, referred to the committee on Education.

A bill for the relief of the heirs of Haden Arnold, dec'd; read second time, and, on motion of Mr. Sterne, referred, with accompanying papers, to the committee on the Judiciary.

A bill to permit Mary Madison to remain in this State; read second time, and, on motion of Mr. Scott, referred to the committee on State Affairs.

A bill for the relief of John Powers; read second time, and, on motion of Mr. Wilson, referred to the committee on Private Land Claims.

A bill to establish the terms of the supreme court; read second time, and, on motion of Mr. Parker, referred to the committee on the Judiciary.

A bill from the House, to amend an act regulating the public printing, approved March 8, 1848; read first time.

A bill to amend an act to permanently locate the seat of justice of Denton county, approved Nov. 26, 1850; read second time and passed to a third reading.

A bill to authorize the county court of Smith county to levy an additional tax for the purpose of building a courthouse; read second time, and passed to a third reading.

The following bills were severally read a third time and passed, to wit:

A bill concerning writs of certiorari from justices courts:

A bill for the relief of Wesley W. Hanks.

A bill for the relief of the heirs of George Hamilton, dec'd.

A bill for the relief of the estate of Jabez Fitzgerald, dec'd.

A bill for the relief of William M. Cristy ;

And a bill to make valid the use of certain seals by the officers of the county court of Galveston county.

The report of the committee on Privileges and Elections, on the contested election from the 25th Senatorial District, was read and adopted.

The following bills from the House were severally read first time, to wit:

A bill giving two weeks session to the district court of Montgomery county.

A bill for the relief of Philip Evans.

A bill appropriating five thousand dollars to pay the contingent expenses of both Houses of the Legislature.

A bill to locate permanently the county seat of Lavaca county, and,

Joint resolution to remove law books in the office of the Secretary of State, to the supreme court room, for the use of the Judges of said court.

Mr. Burleson, chairman of the committee on the Militia, to whom was referred the petition of Casimiro Garcia, reported a bill for his relief, which was read first time.

On motion of Mr. Hart, the Senate adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, November 19, 1851.

The Senate was called to order by the President, pursuant to adjournment—prayer by the Rev. Mr. Baggerly—roll called—quorum present.

The journal of yesterday was read and adopted.

Mr. Eddy presented the petition of William A. Droddy and Mary J. Nugent; referred to the committee on Private Land Claims.

Mr. Armstrong, from the committee on the Judiciary, to whom was referred a bill for the relief of Haden Arnold, dec'd. reported the same back and recommended its passage.

Mr. Gray made the following Report:

The committee on the Judiciary have considered the bill "concerning estates of deceased soldiers" together with the amendments proposed thereto, and instruct me to recommend